

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. 00-84

**MANDATORY MINIMUM PENALTY
IN THE MATTER OF
USS-POSCO INDUSTRIES
CITY OF PITTSBURG
CONTRA COSTA COUNTY**

This complaint assesses Mandatory Minimum Penalties pursuant to Water Code section 13385(h) and/or (i). It is issued to USS-POSCO Industries (hereafter Discharger) based on a finding of five violations of Waste Discharger Requirements Order No. 93-107 (NPDES No. CA00055002).

The Acting Executive Officer finds the following:

1. On September 15, 1993, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 93-107 (NPDES No. CA00055002), for the Discharger, to regulate discharges of waste from the Pittsburg facility.
2. Water Code section 13385(i)(2) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period:
 - a. Exceeds a waste discharge requirement effluent limitation.
 - b. Fails to file a report pursuant to Section 13260.
 - c. Files an incomplete report pursuant to Section 13260.
 - d. Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
3. Order No. 93-107 includes the following effluent limitation:

"A. Effluent Limitations

...

6. Waste 001 shall meet the following chronic toxicity limitation:
An eleven sample median value of 1 TUc; or a 90% percentile value of 2 TUc."
4. According to monitoring reports submitted by the Discharger, the Discharger exceeded Effluent Limitation A.6. each month for five months period beginning March 2000 and

ending July 2000. These exceedances may be used in any future actions to determine the number of exceedances in any six-month period. The exceedances are as follows:

CHRONIC TOXICITY VIOLATIONS

| Month | Chronic Toxicity (TUc) |
|-------|---------------------------|
| March | 3 |
| April | 2.6 |
| May | 2.3 |
| June | 5.6 |
| July | 3.7 |

The amount of the mandatory minimum penalty for these violations are \$6,000 based on violations for June and July 2000.

5. The total amount of the mandatory minimum penalty is \$6,000.

**USS-POSCO INDUSTRIES
IS HEREBY GIVEN NOTICE THAT:**

1. The Acting Executive Officer of the Regional Board proposes that the Discharger be assessed a Mandatory Minimum Penalty in the amount of \$6,000.
2. A hearing shall be held by the Regional Board on November 29, 2000 unless the Discharger agrees to waive the hearing and pay the mandatory minimum penalty of \$6,000 in full.
3. The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check the appropriate box and sign the attached waiver and return it with a check made payable to the State Water Resources Control Board for the full amount of the mandatory minimum penalty to the Regional Board's office at 1515 Clay Street, Suite 1400, Oakland, CA 94612, within 30 days of signing the attached waiver.


Lawrence P. Kolb, Acting Executive Officer

10/4/2000

<date>

WAIVER

- ☐ By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No.00-084 and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Acting Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed within 30 days after signing this waiver.

Name (print)

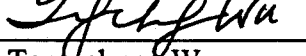
Signature

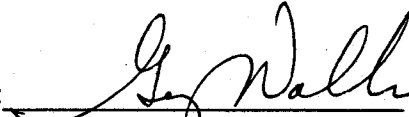
Date

Title/Organization

2. the Discharger is conducting a toxicity identification evaluation (TIE). The Discharger has taken reasonable steps to reduce toxicity to required level. The Board recognizes that identification of causes of chronic toxicity may not be successful in all cases.
3. For these violations mandatory minimum penalties pursuant to Water Code section 13385(h) are appropriate.

If you have any questions please call Keyvan Moghbel at 622-2391.

CONCUR:  Date: 10-2-00
Teng-chung Wu
Division Chief

CONCUR:  Date: 10-2-00
Greg Walker
Section Leader